UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

VANDERBILT UNIVERSITY, :

Plaintiff, : Case No. 3:24-cv-01301

v. : District Judge Waverly Crenshaw,

Jr

Magistrate Judge Jeffrey Frensley

NATIONAL LABOR RELATIONS :
BOARD, a federal administrative agency, :

and MATTHEW TURNER, Regional : Director, NLRB Region 10, :

:

Defendants. :

DEFENDANTS' RULE 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS AND DISMISSAL OF THE COMPLAINT AS MOOT

Defendants (collectively "NLRB") move this Court to issue a judgment dismissing this case as moot pursuant to Federal Rule of Civil Procedure 12(c) and 12(h)(3). A motion for judgment on the pleadings is allowed at any time after the pleadings are closed, but within such time as not to delay trial. Fed. R. Civ. P. 12(c). A lack of subject-matter jurisdiction may be raised at any time, including in a Rule 12(c) motion. Fed. R. Civ. P. 12(h)(3). Accordingly, for the reasons provided in the accompanying memorandum, the NLRB asks the Court to dismiss this case for lack of jurisdiction, as it is moot and no actual case or controversy remains for the Court to decide.

Respectfully submitted,

National Labor Relations Board Contempt, Compliance, and Special Litigation Branch 1015 Half St. SE Washington, DC 20003 Fax: (202) 273-4244

Kevin P. Flanagan

Deputy Assistant General Counsel

Tel: (202) 273-2938

kevin.flanagan@nlrb.gov

(No official bar number in Maryland)

David P. Boehm Trial Attorney (Admitted Pro Hac Vice) D.C. Bar No. 1033755 Tel: (202) 273-4202 david.boehm@nlrb.gov

/s/ Christine Flack
Supervisory Attorney
(Admitted Pro Hac Vice)
(No official bar number in Maryland)
Tel: (202) 273-2842
christine.flack@nlrb.gov; ccslb@nlrb.gov

ATTORNEYS FOR DEFENDANTS

Dated: March 10, 2025

CERTIFICATE OF SERVICE

I certify that on March 10, 2025, I filed a copy of Defendants' Rule 12(c) Motion for Judgment on the Pleadings and Dismissal of the Complaint as Moot via this Court's CM/ECF electronic filing system. I certify that all participants in this case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Christine Flack
Christine Flack
Supervisory Attorney
(Admitted Pro Hac Vice)
(No official bar number in Maryland)
Tel: (202) 273-2842
christine.flack@nlrb.gov; ccslb@nlrb.gov

Dated: March 10, 2025